

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**

Wendy Lamouth, individually and on behalf of all others Horizon Organic Dairy, LLC similarly situated

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SHEEHAN & ASSOCIATES, P.C., 505 NORTHERN BLVD  
STE 311 GREAT NECK NY 11021-5101, (516) 303-0552

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**  
**(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

## 28 USC § 1332, Unfair Competition

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date & Case No.

IS THIS AN INTERNATIONAL ARBITRATION CASE? No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS

## ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/			[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 350 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	LIAIBILITY	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 158	[ ] 400 STATE
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	REAPPORTIONMENT
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	[ ] 410 ANTITRUST
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	PERSONAL PROPERTY	[ ] 820 COPYRIGHTS		[ ] 430 BANKS & BANKING
[ ] 152 RECOVERY OF DEFALTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[*] 370 OTHER FRAUD	[ ] 830 PATENT	[ ] 450 COMMERCE	
[ ] 350 MOTOR VEHICLE	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 460 DEPORTATION	
(EXCL VETERANS)	PRODUCT LIABILITY		[ ] 840 TRADEMARK		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE		SOCIAL SECURITY	[ ] 480 CONSUMER CREDIT
[ ] 362 PERSONAL INJURY - MED MALPRACTICE		[ ] 385 PROPERTY DAMAGE	LABOR	[ ] 490 CABLE/SATELLITE TV	
[ ] 160 STOCKHOLDERS SUITS		PRODUCT LIABILITY	[ ] 710 FAIR LABOR STANDARDS ACT		
[ ] 190 OTHER CONTRACT			[ ] 720 LABOR/MGMT RELATIONS		[ ] 850 SECURITIES/ COMMODITIES/ COMMODITIES/
[ ] 195 CONTRACT PRODUCT LIABILITY			[ ] 740 RAILWAY LABOR ACT		
[ ] 196 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	FEDERAL TAX SUITS	[ ] 890 OTHER STATUTORY ACTIONS
		[ ] 463 ALIEN DETAINEE			[ ] 891 AGRICULTURAL ACTS
		[ ] 510 MOTIONS TO VACATE SENTENCE			
		28 USC 2255			
REAL PROPERTY	CIVIL RIGHTS	[ ] 530 HABEAS CORPUS	[ ] 790 OTHER LABOR		[ ] 893 ENVIRONMENTAL MATTERS
		[ ] 535 DEATH PENALTY	LITIGATION		[ ] 895 FREEDOM OF INFORMATION ACT
		[ ] 540 MANDAMUS & OTHER	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 896 ARBITRATION
				[ ] 871 IRS-THIRD PARTY	
				26 USC 7609	
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION		[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
FORECLOSURE	[ ] 442 EMPLOYMENT		[ ] 462 NATURALIZATION		
[ ] 220 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 550 CIVIL RIGHTS	APPLICATION		
[ ] 230 TORTS TO LAND	[ ] 444 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION		
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	ACTIONS		
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION				[ ] 950 CONSTITUTIONALITY OF STATE STATUTES

*Check if demanded in complaint:*



**CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23**

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$ 5,000,000 OTHER

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JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**BASIS OF JURISDICTION****IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [x] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [x] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Wendy Lamouth, 2111 Southern Blvd Apt 12B, Bronx NY 10460-1446, Bronx County

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Horizon Organic Dairy, LLC, 12002 Airport Way, Broomfield, CO 80021-2546, Jefferson County

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS     MANHATTAN

DATE 12/31/2019

SIGNATURE OF ATTORNEY OF RECORD  
/s/ Spencer Sheehan

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
[x] YES (DATE ADMITTED Mo. 07 Yr. 2012)  
Attorney Bar Code # SS-2056

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)